



INDUSTRY CIRCULAR

Regulatory Enforcement
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226

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NON-ALCOHOLIC HERB INFUSIONS IN SPECIAL NATURAL WINE PRODUCTION

Proprietors of bonded wineries
and others concerned:

Purpose. The purpose of this Industry Circular is to correct certain questionable applications of the limitations set forth in Revenue Ruling 71-500 (C.B. 1971-2.455) for the use of non-alcoholic extracts of herbs (extracts produced by infusing herbs with hot or cold water) in the production of special natural wine.

Background. Revenue Ruling 71-500 was issued to inform winemakers of the Bureau's position on the use of non-alcoholic extracts of herbs in special natural wine production and to establish guidelines in the manufacture of those extracts. The issuance of quantitative limits to govern such manufacture required research to determine allowable flavor to water proportions. It was found that very little information on this subject had been compiled. In the absence of reliable tables to provide water-quantity to flavor-concentration ratios for the numerous herbs and botanicals used as flavoring materials in wine production, authoritative opinions were solicited and other efforts were made to establish reasonable and equitable quantitative limits for non-alcoholic herb infusions. The conclusion reached was that if a quantity of herbs was steeped, boiled, soaked, etc. in 10 gallons of water the resultant product would have a flavor concentration of sufficient strength as to be readily recognizable as a flavoring material which would change the character of 100 gallons of wine. That conclusion formed the basis of the "10% of base wine" limitation as set out in Revenue Ruling 71-500. At the time of publication, it was deemed that the limitation established by the ruling, when applied in conjunction with the provisions of 26 CFR 240.440 was adequate to regulate the use of non-alcoholic herb infusions.

Various inspection reports, however, have revealed that some winemakers are using non-alcoholic infusions which, although within the "10% of base wine limit," are of such water-quantity and flavor-concentration ratios as to be in possible violation of the more generally worded limitations of 26 CFR 240.440. In this respect, this section authorizes ".... other natural flavorings, in such quantities and proportions that the resulting product derives a distinctive flavor from their use, and may be distinguished from natural wine not so treated."

Compliance Procedure. To determine if the non-alcoholic infusions now in use are in compliance with the above cited regulations, winemakers using those infusions are requested to supply two - 4/5 quart samples for ATF officers of each of the following:

1. The natural wine used as a base.
2. The wine after the non-alcoholic infusion has been added (this sample to be identified by formula number).
3. The non-alcoholic infusion (this sample to be representative of the entire extract).

The samples should be marked by symbols or numbers to identify each three samples as an interrelated set and are to be submitted to the Scientific Services Division of Bureau Headquarters. If the results of the examinations indicate a need for such action, the approved formulas represented by those samples will be reviewed for possible modifications.

Inquiries. Inquiries regarding this circular should refer to its number and be addressed to the Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N. W. 20226.

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